

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

EDWARD RAINY,)
)
Plaintiff,)
)
v.) Civ. No. 08-102-SLR
)
DIAMOND STATE PORT CORP.,)
)
Defendant.)

ORDER

At Wilmington this 12th day of May, 2008, plaintiff appearing pro se and, having been granted leave to proceed without prepayment of fees; and the court's having screened the case pursuant to 28 U.S.C. § 1915 (D.I. 4);

IT IS ORDERED that:

1. Plaintiff's motion to appoint counsel is **denied** without prejudice with leave to renew. (D.I. 5.) Service has not yet occurred and defendant has not appeared. Once a scheduling order is entered it will contain a deadline for filing dispositive motions. Accordingly, further motions for appointment of counsel shall be deemed denied without prejudice to renew should any of plaintiff's claim survive summary judgment.

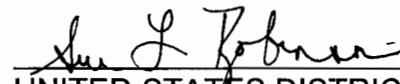
2. Pursuant to Fed. R. Civ. P. 4(c)(2) and (d)(2), plaintiff shall complete and return to the clerk of the court an **original** "U.S. Marshal-285" form for **defendant**.

Plaintiff has provided the court with one copy the complaint (D.I. 2) for service upon defendant. Plaintiff is notified that the United States Marshal will not serve the complaint until the "U.S. Marshal 285" form and a copy of the complaint have been received by the clerk of the court. Failure to provide a "U.S. Marshal 285"

form and a copy of the complaint for defendant within 120 days of the date of this order may result in the complaint being dismissed or defendant being dismissed pursuant to Fed. R. Civ. P. 4(m).

3. Upon receipt of the completed "U.S. Marshal 285" form and a copy of the complaint, the United States Marshal shall serve a copy of the complaint and this order upon the defendant as directed by plaintiff. All costs of service shall be advanced by the United States.

4. No communication, including pleadings, briefs, statement of position, etc., will be considered by the court in this civil action unless the documents reflect proof of service upon the parties or their counsel.



UNITED STATES DISTRICT JUDGE